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	States Ban rthern Distri						Voluntary	Petition
Name of Debtor (if individual, enter Last, First Hernandez, Salvador	, Middle):		Name	of Joint Do	ebtor (Spouse	e) (Last, First	, Middle):	
All Other Names used by the Debtor in the last (include married, maiden, and trade names):	8 years				used by the a		in the last 8 years ):	
Last four digits of Soc. Sec. or Individual-Taxp (if more than one, state all)	ayer I.D. (ITIN) N	Io./Complete E	IN Last f	our digits o	of Soc. Sec. or state all)	Individual-	Taxpayer I.D. (ITIN) N	o./Complete EIN
Street Address of Debtor (No. and Street, City, 12 N260 Hilltop Road Elgin, IL	and State):			Address of	f Joint Debtor	(No. and St	reet, City, and State):	
		ZIP Code <b>60123</b>						ZIP Code
County of Residence or of the Principal Place of Kane	f Business:	1 00120	Coun	ty of Reside	ence or of the	Principal Pl	ace of Business:	
Mailing Address of Debtor (if different from str	reet address):		Maili	ng Address	of Joint Debt	or (if differe	nt from street address):	
		ZIP Code						ZIP Code
Location of Principal Assets of Business Debto (if different from street address above):	r							
Type of Debtor (Form of Organization) (Check one box)  ■ Individual (includes Joint Debtors) See Exhibit D on page 2 of this form.  □ Corporation (includes LLC and LLP) □ Partnership □ Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Health Care Single Asse in 11 U.S.C Railroad Stockbroker Commodity Clearing Ba Other	t Real Estate as . § 101 (51B) . Broker	s defined	☐ Chapt ☐ Chapt ☐ Chapt ☐ Chapt ☐ Chapt	the 1 der 7 der 9 der 11 der 12	Petition is Fi	hapter 15 Petition for R a Foreign Main Proceed hapter 15 Petition for R a Foreign Main Proceed hapter 15 Petition for R a Foreign Nonmain Proceed e of Debts k one box)	Recognition eding Recognition
	Debtor is a under Title Code (the In		anization d States	defined "incurr	d in 11 U.S.C. § red by an indivi onal, family, or	§ 101(8) as idual primarily household pur	busing for pose."	ess debts.
Filing Fee (Check of Full Filing Fee attached	ne box)			one box: Debtor is		Chapter 11 ess debtor as	<b>Debtors</b> s defined in 11 U.S.C. §	§ 101(51D).
Filing Fee to be paid in installments (applic attach signed application for the court's con is unable to pay fee except in installments. I	sideration certifyii	ng that the debt	checl	Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51)			- , ,	
Filing Fee waiver requested (applicable to c attach signed application for the court's con	hapter 7 individua sideration. See Off	als only). Must icial Form 3B.		A plan is	ble boxes: being filed w	ith this petiti		
Statistical/Administrative Information  Debtor estimates that funds will be available	e for distribution t	o unsecured cre	editors.			THIS	S SPACE IS FOR COURT	USE ONLY
Debtor estimates that, after any exempt properthere will be no funds available for distribute	erty is excluded a	and administrat		es paid,				
Estimated Number of Creditors	1,000- 5,000 5,001- 10,000		25,001- 50,000	50,001- 100,000	OVER 100,000			
Estimated Assets  \$0 to \$50,001 to \$100,001 to \$50,000 to \$1 million	\$1,000,001 \$10,000 to \$10 to \$50 million million	,001 \$50,000,001 to \$100 million	\$100,000,000 to \$500 million	\$500,000,001 to \$1 billion				
Estimated Liabilities	\$1,000,001 \$10,000 to \$10 to \$50	,001 \$50,000,001 to \$100	\$100,000,000 to \$500	\$500,000,001 to \$1 billion				

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B1 (Official For	rm 1)(1/08)	Page 2 01 8	Page 2
Voluntar	y Petition	Name of Debtor(s):  Hernandez, Salvado	AF.
(This page mı	ust be completed and filed in every case)	liemandez, Salvado	,
	All Prior Bankruptcy Cases Filed Within Last	t 8 Years (If more than two,	, attach additional sheet)
Location Where Filed:	- None -	Case Number:	Date Filed:
Location Where Filed:		Case Number:	Date Filed:
Pe	ending Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If	more than one, attach additional sheet)
Name of Debt - None -	tor:	Case Number:	Date Filed:
District:		Relationship:	Judge:
	Exhibit A	(To be completed if debton is a	Exhibit B un individual whose debts are primarily consumer debts.)
forms 10K a pursuant to S and is reque	pleted if debtor is required to file periodic reports (e.g., and 10Q) with the Securities and Exchange Commission Section 13 or 15(d) of the Securities Exchange Act of 1934 esting relief under chapter 11.)  A is attached and made a part of this petition.	I, the attorney for the petitic have informed the petitione 12, or 13 of title 11, United under each such chapter. It required by 11 U.S.C. §342  X /s/ Robert V. Sching Signature of Attorney for the petition of the petitio	oner named in the foregoing petition, declare that I ber that [he or she] may proceed under chapter 7, 11, States Code, and have explained the relief available further certify that I delivered to the debtor the notice b(b).    Aller   November 10, 2008
		Robert V. Schalle	er SCR3-6190406
☐ Yes, and ☐ No.  (To be comp ☐ Exhibit If this is a join	pleted by every individual debtor. If a joint petition is filed, ea D completed and signed by the debtor is attached and made	<b>hibit D</b> ch spouse must complete ar a part of this petition.	nd attach a separate Exhibit D.)
L Exhibit			ion.
	Information Regardin (Check any ap	=	
	Debtor has been domiciled or has had a residence, princip days immediately preceding the date of this petition or for	al place of business, or princ	
☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.			
	Debtor is a debtor in a foreign proceeding and has its prince this District, or has no principal place of business or assets proceeding [in a federal or state court] in this District, or the sought in this District.	s in the United States but is	a defendant in an action or
	Certification by a Debtor Who Reside (Check all app		al Property
	Landlord has a judgment against the debtor for possession		x checked, complete the following.)
	(Name of landlord that obtained judgment)		
	(Address of landlord)		
_	Debtor claims that under applicable nonbankruptcy law, the entire monetary default that gave rise to the judgment to	for possession, after the judg	gment for possession was entered, and
	Debtor has included in this petition the deposit with the coafter the filing of the petition.	ourt of any rent that would be	ecome due during the 30-day period
	Debtor certifies that he/she has served the Landlord with the	his certification. (11 U.S.C.	§ 362(l)).

B1 (Official Form 1)(1/08) Document Page 3 of 8

## **Voluntary Petition**

(This page must be completed and filed in every case)

#### Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

#### X /s/ Salvador Hernandez

Signature of Debtor Salvador Hernandez

X

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

November 10, 2008

Date

#### Signature of Attorney\*

#### X /s/ Robert V. Schaller

Signature of Attorney for Debtor(s)

#### Robert V. Schaller SCR3-6190406

Printed Name of Attorney for Debtor(s)

#### **Robert Schaller Law Office**

Firm Name

907 N. Elm, Suite 100 Hinsdale, IL 60521

Address

#### 630-655-1233

Telephone Number

#### November 10, 2008

Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

#### Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Name of Debtor(s):

Hernandez, Salvador

#### Signatures

#### Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

- ☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.
- ☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

•	
v	
$\sim$	

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

#### **Signature of Non-Attorney Bankruptcy Petition Preparer**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

v			

Date

Address

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

In re	••	Case No.	

Debtor(s)

# FORM 1. VOLUNTARY PETITION Attachment A

### **DEBTOR(S)' REPRESENTATIONS & RESPONSIBILITIES:**

- 1. Debtor understands that it is Debtor's responsibility to tender a security deposit to all utility companies.
- 2. Debtor understands that it is Debtor's responsibility to provide copies of the 2007, 2006, 2005 and 2004 federal tax returns. Debtor has agreed to tender these tax returns to debtor's counsel by Federal Express no later than 10 days before the date first set for the first meeting of creditors (Section 341 meeting). Debtor has agreed to tender these tax returns directly to the Chapter 13 Trustee by Federal Express no later than 7 days before the date first set for the first meeting of creditors (Section 341 meeting), unless said tax returns were Federal Expressed to debtor's counsel no later than 10 days before the Section 341 meeting. Debtor understands further that the court could dismiss the case if the tax returns are not tendered on a timely basis.
- 3. Debtor understands that it is Debtor's responsibility to provide copies of (a) all payment advices or other evidence of income received within 60 days before the date of the filing of the bankruptcy petition by the debtor from any employer of the debtor, and (b) proof of any 1099 or self employed income within 60 days before the date of the filing of the petition (hereinafter, collectively the "Payment Advices"). Said Payment Advices shall be provided to the trustee (or, if no trustee has been appointed to the United States trustee), and to any creditor who timely requests copies of the payment advices or other evidence of payment, at least seven days before the time of the meeting of creditors conducted pursuant to 11 U.S.C. Section 341. Debtor has agreed to tender said Payment Advices to debtor's counsel by Federal Express no later than 10 days before the date first set for the first meeting of creditors (Section 341 meeting). Debtor has agreed to tender said Payment Advices directly to the Chapter 13 Trustee and any requesting creditor by Federal Express no later than 7 days before the date first set for the first meeting of creditors (Section 341 meeting), unless said Payment Advices were Federal Expressed to debtor's counsel no later than 10 days before the Section 341 meeting. Debtor understands further that the court could dismiss the case if said Payment Advices are not tendered on a timely basis.
- 4. Debtor understands that it is Debtor's responsibility to complete an instructional course concerning personal financial management before the conclusion of the repayment plan. After completion of the instructional course, Debtor has agreed to tender a certificate of completion to debtor's counsel by Federal Express. Debtor has also agreed to file the certificate of completion with the Clerk of the US Bankruptcy Court at 219 S. Dearborn, Chicago, IL 60604, unless a copy of said certificate is tendered to debtor's counsel via Federal Express and received at least 7 days prior to the case being closed. Debtor understands further that no discharge will be granted without the filing of said certificate of completion with the Clerk of the US Bankruptcy Court on a timely basis.
- 5. Debtor understands that prior to the final Chapter 13 plan payment debtor must complete and tender to debtor's counsel a "Declaration re Domestic Support Obligations" certifying that either (a) "During the pendency of this bankruptcy, I have not been required to pay a domestic support obligation by any order of a court or administrative agency or by any statute", or (b) "During the pendency of this bankruptcy case, I have paid all domestic support obligations that have become due under any order of a court, or administrative agency or under any statute. Debtor further understands that this declaration must be signed under penalty of

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perjury. Finally, debtor has been advised that the failure to complete and file said declaration would result in debtor not receiving a Chapter 13 discharge of debts.

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Official Form 1, Exhibit D (10/06)

# **United States Bankruptcy Court Northern District of Illinois**

In re	Salvador Hernandez		Case No.	
		Debtor(s)	Chapter	13

# EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency*.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.*
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Must be accompanied by a motion for determination by the court.][Summarize exigent circumstances here.] \_\_\_\_

If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.

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### Official Form 1, Exh. D (10/06) - Cont.

Signature of Debtor: /s/ Salvador Hernandez

Date: **November 10, 2008** 

Salvador Hernandez

☐ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]
☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or
mental deficiency so as to be incapable of realizing and making rational decisions with respect to
financial responsibilities.);
☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being
unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or
through the Internet.);
☐ Active military duty in a military combat zone.
☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.
I certify under penalty of perjury that the information provided above is true and correct.

Robert V. Schaller Robert Schaller Law Office 907 N. Elm, Suite 100 Hinsdale, IL 60521

Salvador Hernandez 12 N260 Hilltop Road Elgin, IL 60123

Bank of New York c/o Codilis & Associates, VIA ECF 15W030 North Frontage Road Burr Ridge, IL 60527

Chapter 13 Trustee Stearns, VIA ECF Glenn Stearns 4343 Commerce Court Lisle, IL 60532

ComED
Bankruptcy Department
555 Waters Edge
Lombard, IL 60148

Illinois Department of Public Aid Division of Child Support Enforcem. 509 S. 6th Street, 6th Floor Springfield, IL 62701

Nicor PO BOX 416 Aurora, IL 60507

SBC Ameritech Bill Payment Center Chicago, IL 60663